

(Sept. 1999)

The California Health and Safety Code Chapter 6.95 mandates state agencies that store specific amounts of hazardous materials prepare and submit a business plan (see reference: 4) from each facility to the local administering agency (LAA). The LAA is designated by each county or by any city that chooses to implement the law in cooperation with the county.

This law requires each facility to prepare a business plan if the facility handles hazardous material and wastes above the threshold quantities of 55 gallons of liquid, 500 pounds of a solid, 200 cubic feet of a compressed gas, or quantities above the Federal Title III Threshold Planning levels (40 CFR 355, Appendix A, see reference: 15).

Business plans must include detailed inventory forms, which are provided by the LAA, or CDF forms approved by the LAA. These inventory forms must include the following:

- The chemical and common name of every hazardous material and hazardous waste handled in amounts above the threshold quantities.
- The maximum amount of each hazardous material, or mixture containing a hazardous material, on site at any one time.
- The total annual production of each hazardous waste.
- On-site location of each material.
- Standard Industrial Classification (SIC) code number of the business.
- A 24-hour contact person.
- All inventory requirements of the Federal SARA, Title III program (40 CFR Sections 355, et seq.).
- Other requirements of the LAA.

Also, the law requires each state facility to notify the LAA within 30 days of any substantial changes, including introduction of any new hazardous material. The state facility must annually submit an updated chemical inventory and must certify the accuracy of the entire business plan every two years.

**NOTE:** Local agencies may adopt more stringent requirements for any element of this program.

The LAA must develop an area plan or emergency response to actual and threatened releases of hazardous substances within its geographical jurisdiction. Area plans define procedures and protocols among local jurisdictions for mutual aid, site containment and mitigation, and incident follow-up and critique.

County area plans must be updated every three years. County area plans incorporate the state facility business plans at the time updating occurs.

Jurisdictions authorized by this law establish fee schedules to recover the costs of administering this program, and CDF is not exempt from paying such fees.

The law creates civil and criminal penalties for business non-compliance. Civil penalties can be up to \$2,000-per-day of any violation plus any actual cleanup costs, and \$5,000-per-day of violation and/or up to one year in county jail.

Questions about this law and section should be addressed to the Sacramento Technical Services Section.

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